

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated January 19, 2006. A Petition for Extension of Time (one month) and the fee therefor are enclosed.

The Office Action asserts that claims 1-5, 7 and 8 are anticipated by Kajino, et. al. (6,793,769). It is further contended that claims 1-5, 7 and 8 are anticipated by Adachi Hideki (JP 11-087294). Still further, claim 6 is rejected on grounds of obviousness over Adachi Hideki in view of Tsuchiya, et. al. (6,810,888). Independently of the foregoing, claims 1-8 are rejected for obviousness-type double patenting as being unpatentable over claims 1-36 of co-pending application number 10/659,213.

Reconsideration is requested in view of the cancellation of claims 1 and 2 and the rendering of claim 3 in independent form. Further, a Terminal Disclaimer attached hereto obviates the double patenting rejection.

This Amendment does not raise any new issues after a Final Rejection, inasmuch as the applicant has only canceled claims 1 and 2 and rendered claim 3 in independent form.

As described in independent claim 3, and as can be discerned from Figure 4 of the present application, there are three structural elements of the apparatus which can be mentioned in order to illustrate that claim 3 is neither anticipated, nor rendered obvious, by the art of record. These elements include:

- a) the vertical spacing D3 of the opening of the splash guards being greater than the distance D1 between the spin base and the atmosphere cutoff plate;
- b) the top surface 51a of the splash guard being lower than the top surface 30a of the atmosphere cutoff plate; and
- c) the lower surface 52b of the splash guard being higher than the lower surface 10b of the spin base.

In order to prevent backflow to the space where the substrate is processed, it is advantageous to have the opening distance (distance D1 between the spin base and the atmosphere cutoff plate) comparatively narrower. Namely, it is preferred to have the structure shown in a), as seen in the cited references.

On the other hand, it is commonly known to one of ordinary skill in the art that thin material is preferred for use for a spin base and for use as an atmosphere cutoff plate (the cited reference is assumed to comprise such a structure). Thus, when the structure according to the feature a) is adopted,

such adoption negates the possibility of adopting the structures according to features b) and c) noted above. Therefore, the features according to the structures b) and c) of the present application are not merely matters of preferred design to one of ordinary skill in the art.

But as described in the instant specification, when the spin base and the atmosphere cutoff plate rotate, strong airflows S1 and S2 are generated along the lower surface 10b of the spin base and the top surface 30a of the atmosphere cutoff plate. When the airflows S1 and S2 are led to the recovery duct 54 which actually collects solution, the airflow S1 collides with the splash guard 51 and the airflow S2 collides with the splash guard 52, respectively, which generates a crosscurrent. At the same time, tip portions of the splash guards 51 and 52, where airflows S1 and S2 exist, mainly collide, are adjacent to the spin base 10 and the atmosphere cutoff plate 30. As a result, the crosscurrent is generated near the substrate which negatively impacts the substrate processing.

By including the structures b) and c), the overall structure defined in the instant claims prevents the generation of crosscurrents by the airflows S1 and S2, in proximity to the substrate and eliminates the negative impact on substrate processing.

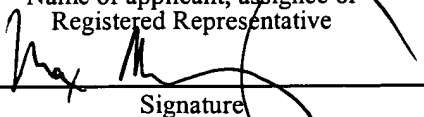
In marked contrast, the cited references disclose the same structure a) as the present application in dealing with the airflow from the space where the substrate is processed. However, the cited references do not disclose the structures b) and c) for the purpose of dealing with the airflows S1 and S2. Therefore, the present claims clearly distinguish from the cited references. Although the foregoing remarks were given with respect to independent claim 3, the remaining claims in the application include all of its limitations and impose further limitations thereon which places them even further from the prior art. Accordingly, all of the claims in the application are submitted to be patentable.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 19, 2006

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Name of applicant, assignee or
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Signature

May 19, 2006

Date of Signature

Respectfully submitted,



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